

1 Carney R. Shegerian, Esq., State Bar No.150461
2 CShegerian@Shegerianlaw.com
3 Mahru Madjidi, Esq., State Bar No. 297906
4 MMadjidi@Shegerianlaw.com
5 Alex DiBona, Esq. State Bar No.
6 ADiBona@Shegerianlaw.com
SHEGERIAN & ASSOCIATES, INC.
320 North Larchmont Boulevard
Los Angeles, California 9004
Telephone Number: (310) 860-0770
Facsimile Number: (310) 860 0771

7 Attorneys for Plaintiff,
8 ALEX VILLANUEVA

9
10 **THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11 ALEX VILLANUEVA,

12 Plaintiff,

13 vs.

14 COUNTY OF LOS ANGELES,
15 COUNTY OF LOS ANGELES
16 SHERIFF'S DEPARTMENT, LOS
17 ANGELES COUNTY BOARD OF
18 SUPERVISORS, COUNTY EQUITY
19 OVERSIGHT PANEL, LOS
20 ANGELES COUNTY OFFICE OF
21 INSPECTOR GENERAL,
22 CONSTANCE KOMOROSKI,
MERCEDES CRUZ, ROBERTA
YANG, LAURA LECRIVAIN,
SERGIO V. ESCOBEDO, RON
KOPPERUD, ROBERT G. LUNA,
MAX-GUSTAF HUNTSMAN,
ESTHER LIM, and DOES 1 to 100,
inclusive,

Defendants.

Case No.: 2:24 -cv-04979 SVW (JC)

**The Honorable Stephen V. Wilson
Assigned to Magistrate Judge Jacqueline
Chooljian**

**PLAINTIFF'S REPLY TO
DEFENDANT'S OPPOSITION TO HIS
MOTION *IN LIMINE* NO. 6 EXCLUDE
EXPERT REPORT, OPINION, AND
TESTIMONY OF VIDA THOMAS**

(MIL NO. 6 OF 6)

Date: May 26, 2025
Time: 1:30 p.m.
Dept.: 10A

Trial Date: June 3, 2025
Action Filed: June 13, 2024

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff Alex Villanueva respectfully submits the following Reply to Defendants' Opposition to Motion in Limine No. 6 to exclude the expert report, opinions, and testimony of Defendants' expert Vida Thomas.

II. DEFENDANTS CONCEDE THAT THOMAS' REPORT IS BASED ON LEGAL STANDARDS, NOT HUMAN RESOURCES STANDARDS

Defendants do not dispute that Thomas—a practicing attorney—relies extensively on case law, EEOC guidance, and other legal authority in her report. They claim that her opinions are “typical and acceptable human resource practice,” yet they identify no independent HR industry standards, peer-reviewed literature, benchmarking data, or empirical analysis supporting those conclusions. Indeed, Defendants do not refute that her conclusions are lifted directly from legal principles—not derived from expertise in actual public sector HR management. Nor do Defendants refute that Thomas cites and applies legal tests such as the *Faragher/Ellerth* affirmative defense and the “qualified immunity” standard from *Cotran v. Rollins Hudig Hall*, 17 Cal. 4th 93 (1998). These are legal conclusions, not industry best practices. Her testimony is thus inadmissible under Federal Rule of Evidence 702 and controlling Ninth Circuit precedent. See *Nationwide Transp. Fin. v. Cass Info. Sys., Inc.*, 523 F.3d 1051, 1058 (9th Cir. 2008).

III. DEFENDANTS FAIL TO CURE THOMAS' LACK OF EXPERTISE IN PUBLIC SECTOR HR OR "DO NOT REHIRE" POLICIES

Plaintiff's Motion correctly identifies that Thomas has no specialized knowledge or experience with public employment systems, civil service frameworks, or the use of "Do Not Rehire" notations in large governmental agencies. Defendants do not even attempt to show otherwise. They offer no rebuttal to Plaintiff's observation that Thomas works primarily for private clients and has never articulated how the standards she relies on apply in the public sector context—let alone to former high-ranking public officials such as Plaintiff. Her lack of qualifications on this point renders her opinions not only irrelevant

1 but affirmatively misleading to the jury. *Daubert* requires exclusion under these
2 circumstances. See *Grodzitsky v. Am. Honda Motor Co., Inc.*, 957 F.3d 979, 984 (9th Cir.
3 2020).

4 **IV. DEFENDANTS DO NOT DEFEND THOMAS' METHODOLOGY
5 BECAUSE SHE HAS NONE**

6 Nowhere do Defendants argue that Thomas conducted any independent analysis of
7 how similar agencies handle “Do Not Rehire” designations, retaliation claims, or
8 workplace investigations. They do not argue that she reviewed any comparative agency
9 policies or consulted with professionals in the field. They instead imply that Thomas
10 simply accepted Defendants’ narrative at face value. That is not expert analysis; it is
11 partisan advocacy. An expert cannot merely recite a party’s position and call it an
12 “opinion.” See *Elliott v. Versa CIC, L.P.*, 349 F. Supp. 3d 1004, 1006 (S.D. Cal. 2018).

13 **V. DEFENDANTS RELY ON AN ERRONEOUS VIEW OF RULE 702**

14 Defendants’ opposition misstates the expert admissibility standard. Rule 702 and
15 *Daubert* require that expert testimony be both reliable and helpful to the trier of fact.
16 *Daubert*, 509 U.S. at 597. Courts exclude testimony that simply instructs the jury on what
17 result to reach. That is precisely what Thomas does. Her report is structured as a legal
18 argument about why Defendants are not liable—not as a factual or technical analysis that
19 would aid the jury in evaluating the evidence.

20 Defendants offer no defense to the numerous examples Plaintiff cited showing that
21 Thomas mischaracterizes legal conclusions as “HR standards.” They do not rebut
22 Plaintiff’s showing that Thomas repeatedly labels legal obligations (e.g., anti-retaliation
23 mandates) as human resources norms—despite sourcing them exclusively from case law
24 and government regulations.

25 **VI. CONCLUSION**

26 Defendants fail to refute the central premise of Plaintiff’s Motion: Thomas’
27 testimony is not expert opinion but improper legal argument. She lacks relevant
28 qualifications, applies no independent methodology, and simply restates Defendants’

1 litigation position under the guise of HR expertise. Under Rule 702 and *Daubert*, her
2 opinions must be excluded.

3
4 Dated: May 12, 2025

SHEGERIAN & ASSOCIATES, INC.

5
6 By: Alex DiBona
7 Alex DiBona, Esq.

8 Attorneys for Plaintiff,
9 ALEX VILLANUEVA

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **VILLANUEVA v. COUNTY OF LOS ANGELES, et al. USDC Case No. 2:24-cv-04979 SVW (JC)**

2 **PROOF OF SERVICE**

3 **UNITED STATES DISTRICT COURT**

4 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

5 I am an employee in the County of Los Angeles, State of California. I am over the
6 age of 18 and not a party to the within action; my business address is 11520 San Vicente
Boulevard, Los Angeles, California 90049.

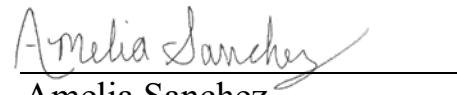
7 On May 12, 2025, I served the foregoing document, described as "**PLAINTIFF'S
REPLY TO DEFENDANT'S OPPOSITION TO HIS MOTION IN LIMINE NO. 6
EXCLUDE EXPERT REPORT, OPINION, AND TESTIMONY OF VIDA
THOMAS**," on all interested parties in this action as follows:

8 **Louis R. Miller (State Bar No. 54141)**
smiller@millerbarondess.com
9 **Jason H. Tokoro (State Bar No. 252345)**
jtokoro@millerbarondess.com
10 **Steven G. Williamson (State Bar No. 343842)**
swilliamson@millerbarondess.com
11 **MILLER BARONDESS, LLP**
12 **2121 Avenue of the Stars, Suite 2600**
13 **Los Angeles, California 90067**

14 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the
15 document(s) with the Clerk of the Court by using the CM/ECF system. Participants
16 in the case who are registered CM/ECF users will be served by the CM/ECF system.
Participants in the case who are not registered CM/ECF users will be served by mail
17 or by other means permitted by the court rules.

18 **(FEDERAL)** I declare that I am employed in the office of a member of the bar of
this Court at whose direction the service was made.

19 Executed on May 12, 2025, at Los Angeles, California.

20 
21 **Amelia Sanchez**

22
23
24
25
26
27
28